

REMARKS

Claims 1-20 are pending. Claims 1 and 6 are cancelled herein. Accordingly, claims 2-5 and 7-20 are at issue.

The drawings stand objected to because of informalities. Corrected drawing sheets for FIGS. 3 and 11 are enclosed herewith. Paragraph [0020] is amended so that the Brief Description of FIG. 5 refers to FIG. 4 and not FIG. 2.

The drawings are objected to under 37 CFR §1.83(a). In particular, it is asserted that the features recited in claims 4, 16, and 20 need to be shown in the drawings. In this regard, the features recited in claims 16 and 20 asserted as not being shown in the drawings are deleted from these claims. Claim 4 is amended to call for a plurality of pairs of material strip portions and overlapping end portions thereof which are shown in FIG. 11. Accordingly, it is believed that the objections to the drawings are obviated.

The disclosure is objected to because of informalities. The disclosure is amended to corrected the noted informalities.

The specification is objected to for failing to provide antecedent basis for the subject matter of claims 4 and 20. As previously mentioned, claim 4 is amended so that the disclosure found in paragraph [0051] in combination with the drawing of FIG. 11 now fully supports its claimed subject matter. Claim 20 is also amended to delete the recited sheet configuration. The recited linear and dotted configurations of the separable portion is disclosed in paragraph [0053]. Further, FIG. 3 is revised to illustrate the recited dotted configuration. As this feature is described in paragraph [0053], it is believed that the added drawing is fully supported by the originally filed specification such that no matter is added thereto.

Claim 17 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

With respect to the fabric 127, FIGS. 4 and 6 illustrate the fabric extending about a section of the airbag portion 124. As surmised in the Action, one skilled in the art will appreciate that where the airbag portion 124 transitions to the airbag portion 123, there will need to be a different configuration for the fabric 127 such as via an opening in the fabric 127. Accordingly, it is believed it will be a fairly routine matter for one skilled in the art based on the teachings in the present application to understand that the described and illustrated fabric 127 is not to be wrapped around the entire length of the airbag portion 124, but instead only those sections thereof extending along the handlebar 104.

Claims 1-10, 17, 19 and 20 stand rejected under 35 U.S.C. §112, second paragraph, as indefinite.

Claim 1 is cancelled herein. However, where its subject matter is incorporated in claims 5 and 7, it is amended so that it is clear that the subject matter is directed to the airbag apparatus and not the motorcycle with aspects of the motorcycle set forth for the purpose of providing context for the environment in which the airbag apparatus is intended to be used. The subject matter of claims 5, 7 and 8 are also amended in this regard. Claim 3 is amended to call for a separable portion of the cover body to obviate the alleged indefiniteness with respect to claim 3. Claim 17 is amended to delete the term "thin" to obviate the alleged indefiniteness with respect to claim 17. Claim 19 is amended to call for a separable portion and to recite that the thinned material portion is thinner than a thick portion of the cover to obviate the alleged indefiniteness with respect to claim 19. Claim 20 is amended to delete the recited sheet configuration, as previously has been noted, to obviate the alleged indefiniteness with respect to claim 20.

Claims 1-20 stand provisionally rejected under the judicially created doctrine of statutory obviousness-type double patenting as being unpatentable over claims 1-17 of co-pending Application No. 10/826,084, claims 1-22 of co-pending

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Application No. 10/813,523, and claims 1-20 of co-pending Application No. 10/800,263.

It is understood that Terminal Disclaimers will overcome these non-statutory double patenting provisional rejections. Accordingly, included herewith are Terminal Disclaimers over the '084 application, the '523 application and the '263 application to overcome the provisional obviousness-type double patenting rejections.

Claims 5, 7 and 14-17 are not substantively rejected over prior art. Accordingly, claim 5 is rewritten in independent form to incorporate the limitations of its base claim 1 so that claim 5, and claims 2-4 and 8-10 which depend cognately therefrom, should now be in condition for allowance. Claim 7 is rewritten in independent form to include the limitations of intervening claim 6 and its base claim 1 so that claim 7 should now be in condition for allowance. Claim 14 is rewritten in independent form to include the limitations of its base claim 11 so that claim 14, and claims 15-17 which depend cognately therefrom, should now be in condition for allowance.

Claims 1, 2, 6, 8-13, and 18-20 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,846,009 to Kuroe, et al. Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as unpatentable over Kuroe, et al. in view of U.S. Patent No. 6,099,028 to Seifert.

The rejections, as they may apply to the claims presented herein, are respectfully traversed.

Claim 11 is directed to a motorcycle including a seat, a handlebar and a cover for the handlebar. Claim 11, as amended, further calls for an airbag having a portion mounted to the handlebar and another portion mounted to a motorcycle location that is off of the handlebar. None of the relied upon art either alone or in combination disclose or suggest the recited airbag portions of amended claim 11.


Kuroe, et al. fail to disclose or suggest an airbag that includes portions both mounted to the handlebar and to another location of the motorcycle that is off of the handlebar, as required in amended claim 11. Instead, Kuroe, et al. discloses two embodiments. In the embodiment of FIGS. 1-6, the airbag 20 is supported on the steering handle 8. The second embodiment of FIGS 7-9 taught by Kuroe, et al. has the airbag 122 entirely stored in the pipe stem 116. Accordingly, Kuroe, et al. fail to disclose or suggest the recited airbag that includes portions both mounted on the handlebar and off of the handlebar, as required by amended claim 11. Accordingly, it is believed that claim 11, and claims 12, 13, and 18-20 which depend cognately therefrom, are allowable over the cited art.

Based on the foregoing, reconsideration and allowance of claims 2-5 and 7-20 are respectfully requested.

Respectfully submitted,

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